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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 MICHAEL DENTON,

9 Plaintiff,

10 v.

11 SHERIFF PASTOR, individually and in
12 his official capacity, et. al.,

13 Defendants.

14 CASE NO. 3:16-cv-05314-RJB

15 ORDER REVOKING IN FORMA
16 PAUPERIS STATUS

17 THIS MATTER comes before the Court on the Ninth Circuit Court of Appeal's Referral
18 Notice. Dkt. 256. The Court has reviewed the relevant pleadings, the record, and is fully advised.

19 On October 19, 2018, this case was dismissed pursuant to Fed. R. Civ. P. 41 (b) and
20 Local Rule of the Western District of Washington 11(c) as a sanction for Plaintiff's failure to
21 comply with the rules and orders of the Court, failure to cooperate with the Court and defense
22 counsel to prepare for trial, and failure to attend the Pretrial Conference without good cause.

23 On November 19, 2018, the Plaintiff filed a Notice of Appeal. Dkt. 254.

24 The Ninth Circuit referred this case for the "limited purpose of determining whether in
25 forma pauperis status should continue for this appeal or whether the appeal is frivolous or taken
26 in bad faith." Dkt. 256 (*citing* 28 U.S.C. § 1915(a)(3); and *Hooker v. American Airlines*, 302
27 F.3d 1091, 1092 (9th Cir. 2002)).

28 Plaintiff's appeal is frivolous, so his *in forma pauperis* status should be revoked without
29 prejudice. Plaintiff has not shown that he is likely to succeed on the merits.

ORDER

2 It is **ORDERED** that, in accord with the Ninth Circuit Court of Appeal's Referral Notice
3 (Dkt. 256) Plaintiff's *in forma pauperis* status **IS REVOKED without prejudice** for purposes of
4 Plaintiff's appeal, which is frivolous.

5 Other than pleadings directed to the Court by the Ninth Circuit Court of Appeal, all future
6 filings in this case in the future will be docketed by the Clerk but will not be acted upon by the
7 Court.

8 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
9 to any party appearing *pro se* at said party's last known address.

10 Dated this 7th day of December, 2018.

Robert F. Bryan

ROBERT J. BRYAN
United States District Judge